

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

RONALD MARK CLARK, et al.

PLAINTIFFS

v.

CASE NO. 4:07-CV-00477 GTE

JOHN BAKA, M.D., et al.

DEFENDANTS

ORDER

The Court directs the parties to comment on whether the stay in this case should be lifted. In an Order dated March 31, 2009, the Court permitted Plaintiffs to pursue an interlocutory appeal of the Court's summary judgment ruling dismissing all claims against Defendants Quorum Health Resources LLC and Hospital Management Professionals, Inc. *See* docket entry # 350. The Court stayed this action pending resolution of the appeal. The Court expressed the hope that the appeal would be resolved in sufficient time to permit the trial to go forward as scheduled on January 18, 2010. The parties were directed "to leave the trial date on their calendar with the understanding that the trial date is contingent on the appeal being resolved and the stay lifted in sufficient time to permit the trial to go forward."

A review of the Eight Circuit Court of Appeals docket sheet for the appeal indicates that the issues on appeal have been fully briefed, with Plaintiffs filing their appellant reply brief on September 1, 2009.

The Court would like the parties to comment on whether any action should be taken with regard to the stay. Would it be appropriate to partially lift the stay to permit any remaining discovery, which should be very limited, to be completed? Assuming it is feasible to continue at this point to maintain the case on the docket for January 18, 2010, at what point in time do the

parties concede the trial date should be continued? Should a back-up trial date be scheduled now?

Please file your written response by **September 11, 2009**.

IT IS SO ORDERED this 4th day of September, 2009.

/s/Garnett Thomas Eisele
UNITED STATES DISTRICT JUDGE